



south dakota
DEPARTMENT OF EDUCATION
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800 Governors Drive
Pierre, SD 57501-2235

T 605.773.3413
F 605.773.6846
www.doe.sd.gov

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SUBJECT: Verification Sample Size and other Questions and Answers

NSLP – 103

TO: Authorized Representatives

FR: Child and Adult Nutrition Services

This information should be shared with the person who approves applications for free and reduced price meals and conducts verification. The original should be placed in the numbered memo notebook from Child and Adult Nutrition Services. The memo is also available on the Child & Adult Nutrition Services website. Contact a Child & Adult Nutrition Services staff member with questions regarding this.

Section 9(b)(3) of the Richard B. Russell National School Lunch Act (NSLA) was amended by the Child Nutrition and WIC Reauthorization Act of 2004, Public Law 108-265, to specify verification sample sizes for Local Education Agencies (LEAs). As stated in section 9(b)(3)(D)(iii) of the NSLA, the standard sample size is the lesser of three percent (3%) or 3,000 of the approved applications on file as of October 1. It is important to note that the NSLA, as revised in 2004, now establishes an exact sample size for routine annual verification activities. Local education agencies must verify at least as many applications as calculated by the sample formula but may do no more.

While the verification sample cannot exceed the statutory limits, LEAs still have an obligation to verify questionable applications (for cause). For cause may include but is not limited to situations where school officials have knowledge of household circumstances that would cause them to verify the information on the application. It is important to note that this restriction on sample size does not apply to a State's ability to conduct application verification activities connected to its general oversight responsibilities.

Verification Confirmation Reviews

The NSLA now requires that Local Education Agencies (LEAs) review all applications selected for verification prior to conducting any other verification activity. The law uses the term "preliminary review". To avoid confusion, we have called it a "confirmation review" because its purpose is to check the accuracy of the initial eligibility determination. This provision became effective July 1, 2005 as a result of Section 105 of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) which amended section 9(b)(3) of the Richard B. Russell National School Lunch Act (NSLA) by adding subparagraph (E), which addresses confirmation activities.

This clarifies procedures when a confirmation review finds an error in the eligibility determination after a household has been initially notified of its status. This memo also concerns the timing of the confirmation

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review and is intended to reinforce the verification guidance already set forth in the NSLP 51.2 or most current version.

Conducting a confirmation review

This review must be conducted by someone other than to the person who made the initial determination.

Please note that the confirmation review requirement may be waived if the LEA has a technology-based system that demonstrates a high-degree of accuracy. Any LEA that has an automated system for processing applications must contact the State agency to determine if its system qualifies.

Timing of a confirmation review

The confirmation review can occur in one of two ways:

1. It can occur immediately after the initial review and consequently be part of the certification process. This would be the practice in schools that routinely double check the determination of all applications before implementing the eligibility determination.
2. The other approach would be to do the confirmation review as part of the verification process, and only do a double check on those applications selected for verification. In this situation the household has already been notified of the eligibility decision. When confirmation review is part of the verification process, the following requirements apply:

a) Timing of notification to the household of its changed eligibility status

If the confirmation review indicates that the new eligibility status is to the household's benefit, the LEA should make the changes as soon as possible and proceed with verification.

If the confirmation review shows that there should be a decrease in benefits, the LEA proceeds with and completes verification before any notification of a new eligibility status is given. These procedures are designed to avoid a possibility unnecessary reduction in benefits.

b) Verification notice

The verification notice requirements are not changed by adoption of the confirmation review; that is, the verification notice continues to explain that the application was selected, to detail the process and required documentation, to assign a deadline for receipt of documentation, and to provide a no-charge phone number to call for assistance.

c) Adverse action

Schools must continue to follow adverse action requirements as appropriate when verification activities result in a reduction of benefits or should the household fail to cooperate with verification efforts, as detailed in 7 CFR 245.6a(e).

ABILITY TO DECLINE VERIFICATION OF CERTAIN APPLICATIONS

A previous statement indicated that the law now allows the LEA, on individual review, to decline to verify up to five percent of applications in the selected sample. Any application that was removed from the sample must be replaced with another approved application. The LEA should consider factors such as household stability and communication difficulties when declining applications. Note that it is the LEA's option to make use of this provision.

OTHER LANGUAGES

NSLP 102 describes the requirement that communications with households regarding application, certification and verification procedures for free and reduced price school meals be provided in languages that are understandable to parents and guardians. This requirement is found in section 9(b)(8) of the Richard B. Russell National School Lunch Act. This shall serve as a reminder that this requirement

includes verification materials and statements concerning the use or disclosure of information, including the use of social security numbers. In addition, to the maximum extent practicable, any direct communication with parents or guardians must be in a language they can understand.

Please be advised that the process of translating the Free and Reduced Price School Meals Application package into 25 different languages has been finalized. This has been done in an effort to facilitate program access and the communication between the Local Educational Agencies and the household.

The translated application package includes the letter to households, the free and reduced price school meals application, the notification of selection for verification of eligibility and the letter of verification results. The translated application package also includes optional materials that may be provided to households, such as sharing information with Medicaid/SCHIP and sharing information with other programs.

The following translations are now available on the Child Nutrition Programs website: Arabic, Cambodian, Chinese (Mandarin), Farsi, French, Greek, Haitian, Hindi, Hmong, Japanese, Korean, Kurdish, Laotian, Polish, Portuguese, Russian, Samoan, Serbo-Croatian, Somali, Spanish, Sudanese, Tagalog, Thai, Urdu, and Vietnamese.

The translations have been posted in Word and PDF format on the USDA website at <http://www.fns.usda.gov/cnd/FRP/frp.process.htm>.

VERIFICATION QUESTIONS AND ANSWERS

1. *Youth that are considered to be state wards and residential are not included in the verification sample, but youth that are wards of the state and court ordered day students should be included in the verification sample?*

A. Correct. If there is a free and reduced price application on file for the students that were received on or before October 1 then their applications should be included in the verification sample. Only RCCIs which have no day students are exempt from the verification process.

2. *How do school food authorities account for children using prior year eligibility for the first 30 operating days in the new school year, when the prior year eligibility period ended later than the October 1 date for determining the verification sample?*

A. Students who are participating based on their last year's eligibility during the first 30 operating days of the school year would not be included in the current year verification sample, unless they had a newly approved application on file for the current school year. The October 1 verification sample is based on all ***newly approved*** applications for the current school year.

3. *If a school is conducting error-prone sampling and the confirmation review shows that an application was incorrectly approved and also is, in fact, not error-prone, should that application be verified?*

A. If the application was incorrectly approved and therefore not error-prone, one of the following applies:

1. If the child is no longer eligible for either free or reduced price meals, pull the application from the sample, send a notice of adverse action and pull another error-prone application;
2. If the child continues to be eligible for either free or reduced meals but because the initial certification was wrong, continue with verification-there is no need to pull another (actually) error-prone application.

4. Can a school food authority verify an application without contacting the local social service agency by using a medical card from the applicant?

A. No, participation would need to be verified by the local social service agency.

5. An application was selected for verification that listed a woman, her two children, and a man and his child. At the time of application the woman and man were living together. Since then the man and his child have moved out of the home and live elsewhere. The woman has brought in verification for herself and her children. Can this household be considered verified or must the school food authority contact the man to verify his situation too?

A. Verify the woman and her two children in their current living situation. Their status may change based on the new household makeup.